

UNITED STATES DISTRICT COURT

for the

Middle District of Georgia

United States of America

v.

Jimmy Paul Forshee

Date of Original Judgment: 01/18/2019

Date of Previous Amended Judgment: N/A

(Use Date of Last Amended Judgment if Any)

Case No: 7:18-CR-00015-001

USM No: 00530-120

Timothy R. Saviello

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2) (Amendment 821)**

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by Amendment 821 to the *United States Sentencing Guidelines*, and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 120 months is reduced to 100 months.

Forshee was originally sentenced on January 10, 2019, to a term of 120 months imprisonment followed by a three-year term of supervised release. The Court determined that his total offense level of 25 and a criminal history category of VI resulted in a guideline imprisonment range of 110 months to 137 months. However, the sentence was capped due to the authorized maximum sentence of 10 years; therefore, the guideline imprisonment range became 110 months to 120 months, pursuant to USSG §5G1.1(c)(1). At sentencing, his criminal history subtotal was 11. Two additional criminal history points were added for being under a criminal justice sentence when he committed the instant Federal offense. This resulted in 13 criminal history points which yielded a criminal history category VI.

Based on retroactive Amendment 821, Part A to the United States Sentencing Guidelines, defendants with seven (7) or more criminal history points receive one point for being under a criminal justice sentence instead of two when originally sentenced. In this case, the defendant does receive an increase of one criminal history point pursuant to the newly created USSG §4A1.1(e), as prior to the application of this guideline, his criminal history subtotal was 11. Therefore, a total of 12 criminal history points yields a criminal history category V. A total offense level 25 with a criminal history category V, yields an advisory sentencing range of 100 to 125 months. However, the sentence is capped due to the authorized maximum sentence of 10 years; therefore, the guideline imprisonment range is 100-120 months. The government concurs with this assessment and recommends a sentence at the bottom of the newly calculated sentencing range.

Except as otherwise provided, all provisions of the judgment dated 01/18/2019 shall remain in effect.

IT IS SO ORDERED.

Order Date: 2/12/2024

s/Hugh Lawson

Judge's signature

Effective Date: 2/12/2024

(if different from order date)

Hugh Lawson, Senior U.S. District Judge

Printed name and title